



DEPARTMENT OF PERSONNEL

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MEMO PERD #34/05
September 14, 2005

TO: Personnel Commission Members
Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Designee for Rules Distribution
Employee Representatives
Media Representatives

FROM: Jeanne Greene, Director
Department of Personnel

SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the July 15, 2005, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on September 23, 2005.

JG:sq

Attachment

PERSONNEL COMMISSION
MEETING MINUTES OF JULY 15, 2005

MEMO PERD # 34/05
September 14, 2005

I. Call to Order

Chairman Claudette Enus called the meeting to order at 9:03 a.m., July 15, 2005, at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, and via video conferencing at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas.

Members present in Las Vegas: Chairman Claudette Enus and Commissioner David Sánchez. Also present was Jeanne Greene, Director, Department of Personnel.

Members present in Carson City: Commissioners David Read and Jack Eastwick. Also present were Shelley Blotter, Chief of Technical Services, Department of Personnel and Chief Deputy Attorney General, Jim Spencer.

Commissioner Katherine Fox was excused from attending the meeting.

II. *Adoption of Agenda

III. *Adoption of Minutes of the Previous Meeting

Commissioner Sanchez's motion to approve the minutes of the March 25, 2005, meeting was seconded by Commissioner Read and unanimously carried.

IV. *Approval of Occupational Group Study Revised Class Specifications

Chairman Enus asked whether the Commission should approve the class specifications by subgroup.

Shelley Blotter, Chief, Technical Services Division, Department of Personnel, stated that would be acceptable with the exception of Item A2d, Legal Research Assistant series, as there was an appeal pending.

A. Fiscal Management & Staff Services

Mary Day, Supervisory Personnel Analyst, Department of Personnel, stated she and her staff had revised the class specifications in several sub-groups using the occupational group study process.

1. Materials Acquisition & Services

Vivian Spiker, Personnel Analyst, Department of Personnel, explained that retired analyst, Sandra Silva, conducted the study on the Purchasing Technician series with the assistance of subject matter experts (SME). The SME's recommended that the duty statements in the series concept be updated and expanded to clarify the level of work performed. There's no longer a true journey level in the series; therefore, references to the journey and advanced journey levels were removed from the class concepts. The Purchasing Technician III class concept was expanded to include positions at the University and Community College System of Nevada that perform the most complex purchasing activities. The minimum qualifications and the knowledge, skills and abilities were modified to better reflect current job requirements.

2. Actuarial, Research & Grants Analysis

Mary Day explained that the Tort Claims Manager is a single position class that changed very little over the years. Minor updates were made to the duty statements, education and experience, and knowledge, skills and abilities.

Ms. Day explained that the Associate Actuary was added to the Actuary series as the nature of work is very similar and is used as a trainee class where incumbent's are provided with actuarial courses and workshops that allows them to function at the full professional level. The Actuary III level was recommended to be abolished as it has not been used. The requirements for that class were very high and anyone that would meet the requirements would make far more money in the private sector, so it's difficult to attract individuals to State service at the III level.

Ms. Day explained that the Chief Economist is a single position class. Staff worked with the incumbent and the personnel officer in that agency to update the duty statements, and knowledge, skills and abilities.

3. Public Information

Vivian Spiker explained she conducted the study on the Museum Attendant series and worked with SME's from the Department of Cultural Affairs, Division of Museums & History. The SME's felt minimal changes were needed to the series because the series and class concepts were an accurate representation of the duties of the positions. The KSA's were expanded to emphasize the need for customer service skills when dealing with the public, both in person and on telephone; and this is reflected in the minimum qualifications.

Chairman Enus called for motions by subgroup.

Commissioner Read's motion to approve subgroup 1, Materials Acquisition & Services, was seconded by Commissioner Sanchez and unanimously carried.

Commissioner Enus delayed a motion on subgroup 2, Actuarial, Research & Grants Analysis, until after a decision was made on Item V of the agenda.

Commissioner Read's motion to approve subgroup 3, Public Information, was seconded by Commissioner Sanchez and unanimously carried.

Ms. Day stated the classes indicated in the meeting agenda under Item IV-A-4 were no longer being used and recommended they be abolished.

Commissioner Sanchez's motion to abolish the obsolete classes was seconded by Commissioner Read and unanimously carried.

B. Mechanical & Construction Trades

Tewolde Habtemicael, Personnel Analyst, Department of Personnel, explained the Facility Supervisor series is widely used by many state agencies. Working with SME's, the series concept, class concepts, and KSA's were updated. Under the special notes for Facility Supervisor II, III, and IV they added that completion of Facility Operator Certification for Utility Systems (FOCUS) or a comparable instructional program in facility maintenance may be substituted for one year of experience as a Facility Supervisor.

Commissioner Eastwick's motion to approve the Facility Supervisor series in the Mechanical & Construction Trades occupational group was seconded by Commissioner Sanchez and unanimously carried.

V. *Occupational Group Study Classification Appeal

A. Legal Research Assistant

Nancyann Leeder, Administrator, Nevada Attorney for Injured Workers

Dennis Stoddard, Legal Research Assistant II, Nevada Attorney for Injured Workers

NancyAnn Leeder explained they get a ranked list based on the qualifications set forth in the job announcement designed to get the broadest number of people possible, which hasn't worked. When they interview candidates and give them a research test, only about half of them can actually do the kind of work that is needed. Ms. Leeder stated NAIW uses Legal Research Assistants as paralegals who can work more independently which allows attorneys to focus more on their work. The legal test as to whether or not they're entitled to this kind of assistance in order to get work done was demonstrated in the Nevada Supreme

Court's May 18, 1978, decision in the Edwards case (Leeder provided Commission with copy).

Ms. Leeder understood that significant change needed to have occurred since the 1997 study, which created the supervisory level and explained that the workers' compensation system in Nevada changed from being a non-competitive State agency to about 350 private insurers eligible to provide workers' compensation in the state of Nevada. NAIW provides legal services for all injured workers wishing to litigate denial of their entitlement to benefits. Ms. Leeder introduced Legal Research Assistant series incumbents, Dennis Stoddard, Katherine Chaplin (Carson City) and Vanessa Skrinjaric in Las Vegas, saying they use their additional skills in order to support the case being presented by the NAIW.

Ms. Leeder explained the paralegal does about everything that an attorney does except sign legal pleadings and go to court and they cannot be second guessing the work of the paralegal. Ms. Leeder stated they need paralegals who can actually think and analyze questions, so they recommended a four-level series. The four levels under the federal system are specifically defined in terms of complexity, etc. The initial step would be someone who knows enough about legal and medical research to be able to follow an attorney's direction specifically and go out and get something; check to make sure that it's still valid and bring it back and then the attorney has to read everything over him or herself. The levels above that would be people who could do more and more independent analysis and follow through on the research, both legal and medical.

Their LRAs help various staff members with their computer equipment, database and Internet research, both medical and legal; assist in teaching and helping other staff members to take information from various Internet sources and plug that information into legal documents being prepared.

Ms. Leeder stated there were changes in kind, difficulty, and responsibility. The difference in difficulty is the complexity of the work they deal with (i.e., multiple parties researched and then written in legal document form, which takes time away from attorneys); LRAs prepare that more and more, it's interwoven with issues and sub-issues. Many times the attorney knows the surface issues but without further research the attorney will not realize there are additional issues. If the LRA does not have sufficient skills and experience to be able to analyze and to know what sub-issues are, the LRA will have to continually interrupt the attorney in order to get further direction while the attorney's trying to prepare for some other client's case.

Ms. Leeder explained that since the 1997 reclassification when the LRA II was added, the difference in kind, is all of the medical research that's necessary

because of the control exerted by insurers on the doctors permitted to treat injured workers and also the change in statute, which states that only treating physicians can approve certain benefits.

Ms. Leeder's third point was the change in responsibility. Originally, the position began with a person who had been a secretary for many, many years and who knew how to find cases, that worked then. Now, the workload and the way in which paralegals have been accepted in the legal community has changed; they need to be able to depend on the paralegal to be able to do some thought, depending on the level that paralegal is at so that when the attorney gets the product of the paralegal's work, the attorney knows that whatever branches of research needed to be done, have been done and there's a minimum of time required for the attorney to instruct the paralegal.

Dennis Stoddard, Legal Research Assistant II, Nevada Attorney for Injured Workers, explained the change in kind includes research, medical evidence, scientific method, demographics, preparation of exhibits, and Internet research. The change in difficulty came with how workers' compensation reorganized in 2000, requiring more comprehensive research. Mr. Stoddard said his responsibilities have expanded to include supervision, budgeting, managing trainings of all staff including professionals and support staff, in discriminating among the researches, which is critical to the work of the attorneys and the support that we offer.

Ms. Leeder made a correction to the record regarding the fact that Katherine Chaplin recently changed her last name to Diamond.

Tewolde Habtemicael, Personnel Analyst, Department of Personnel, explained the Nevada Attorney for Injured Workers and Mr. Stoddard had requested two levels be added to the Legal Research Assistant series; an advanced journey level at grade 37, and a managerial level at grade 39. Their reasons for the additional levels was because the series had experienced significant change.

Mr. Habtemicael stated the study determined that there had not been significant change that would require additional levels in this series or an adjustment of grade levels. Significant change means that the duties assigned to a position have changed to such a degree that the current classification no longer fairly reflects assigned duties and responsibilities. Change which is a reasonable reflection of growth or increased workload is not considered to fit within the meaning of significant change. Nor is the addition of duties which are similar in nature and complexity to previous responsibilities. In the absence of significant change as defined above, there is no basis for reclassification. The Legal Research Assistants spend the majority of their time providing the most complex paralegal assistance or support to agency counsel, analyzing case facts, drawing up on their training and/or experience, researching specific legal

questions, researching conclusions of law, presenting findings either oral or in writing for the evidence review, researching and drafting legal opinions, briefs, pleadings, motions, and various other documents for agency counsel. Interviewing clients to update information regarding their case, preparing evidence packages, and evaluating opposing counsel's briefs. These duties are representative of the duties previously documented and are still applicable today.

Mr. Habtemicael said the NAIW identified the following duties that were not previously described in the class specification:

1. Conduct research of non-legal issues, such as, medical evidence, scientific methods of diagnosis, and demographics. This responsibility was clearly described in the 1997 NPD-19;
2. Draft and prepare charts, graphs, chronologies regarding facts and evidence (this kind of work is also performed by administrative assistant positions across State government);
3. Perform tasks related to the collections of debt, debts owed to the State, such as, locating debtors and creating documents necessary for collection. This is also commonly performed by clerical staff; and
4. Assist clerical support staff with locating and using proper court rules, procedures, computer search methods, and pleading production. Positions at the Legal Research Assistant level would be expected to provide assistance to lower level staff.

Mr. Habtemicael stated these duties were added to the class specification, but were not higher level than the duties listed in the current class specification. The appellants have stated that since there are now more workers' compensation insurance carriers, there is more research to be conducted. This is a workload issue and conducting legal research is within the class specification. The appellants also mentioned a report prepared by the Internal Audit Division last year. In the report, the auditors recommended hiring additional Legal Research Assistants for better preparation of cases for injured workers. The 2005 Legislature granted the agency one new Legal Research Assistant position. This is a staffing issue and does not impact classification. The auditors also recommended that the agency request the Department of Personnel conduct a review of the Legal Research Assistant series. DOP has reviewed the series but did not find major changes that would trigger a re-evaluation of the grade levels.

Mr. Habtemicael explained an occupational study realignment may only take place when one or more of the following occur: a major division or department

reorganization or restructuring that substantially impacts the purpose or function of positions and the scope of work performed; major programs were added or removed or major change occurred in the mission of the agency; and external changes such as new licensing requirements or changes in federal laws or regulations, which impact the scope of work performed and the knowledge, skills and abilities required to perform it. None of the above criteria were met.

Mr. Habtemicael explained another area the appellants focused on was the complexity of the technological environment. The appellants indicated that LRAs must become computer literate to perform their duties satisfactorily. The 1997 NPD-19 states that the LRA must have knowledge of network systems, word processing programs, dBase programs, spreadsheets, and search engines. Computer skills are not a new requirement and utilizing computers to perform duties is not grade influencing as an overwhelming majority of State employees currently utilize some kind of computer programs.

The appellants stated that the Legal Research Assistant II has authored multiple policies, procedures, performance measures and work performance standards. As a supervisor, the Legal Research Assistant II develops work performance standards, assigns and reviews work, and develops policy, and assists in developing policies and procedures. These functions are common to all supervisors in State service. In addition, they claim that the supervisory responsibility of the Legal Research Assistant II position has expanded to include non-legal research assistance to staff members for adherence to client assistance and computer policy and procedures. This is not supervision but rather training and monitoring the function of these computers.

Mr. Habtemicael mentioned that other State agencies use the series, including the Governor's office, Secretary of State's office, the Division of Industrial Relations (DIR), and the Public Utilities Commission, none of whom appealed DOP's recommendation. Class specifications are intended to describe generic duties that are common to most positions in the series.

Because the changes described by the appellants do not meet any of the criteria for grade re-alignment in the occupational study process or the definition of significant change in the individual study process, there are no grounds for grade adjustment.

Commissioner Sánchez asked whether the reclassification request, if granted, would impact the other agencies that he mentioned.

Mr. Habtemicael explained that if the grade level is changed within the Legal Research Assistant series then it means everybody in that class has to be reallocated.

Ms. Leeder explained she attended a meeting during the study process with Mary Day, Tewolde Habtemicael, a representative from the Department of Business & Industry, Division of Industry Relations (DIR), and Dennis Stoddard. The DIR representative at that meeting stated that for its current needs they would probably only use the first two levels because they didn't use paralegals in the same way that NAIW does. Ms. Leeder stated that none of the other agencies use paralegals the way they do.

Commissioner Read asked whether this was a quantity and quality type of situation. More legal assistants don't really help because of the quality of legal assistants needed. He asked whether hiring more LRAs would help, or not, because of the way NAIW uses them.

Ms. Leeder explained that during the interview process candidates are asked to show they can actually do the work required and only 50% can.

Commissioner Read stated that he's in private practice and if he finds 50% of candidates are qualified, he would be thrilled. He was trying to figure out what the real problem was; understanding that it seems NAIW has more work than before, but asked whether increasing the wages of the paralegal was the best solution for their situation, rather than trying to get more help.

Ms. Leeder stated some of her job offers had been rejected because the salary is lower than a candidate's current/desired salary. Their problem was the need for LRAs who can analyze and think. Currently, the LRA I is a journey level paralegal. Ms. Leeder said that because they have to train some new hires, she didn't feel they should be journey-level. NAIW did receive one new LRA position in FY06 to see how it helps them; then another position would be added later if needed. But, they also need people who can analyze things, who actually can think; and the current system is designed with the LRA I being a journey level paralegal.

Ms. Leeder stated NAIW was not dealing with a workload problem, but one of complexity because they went from one major insurer that was a State agency and has a trust mentality, to a private insurance system with some 350 individual profit making entities. Because an employer can change insurers every year, there are multiple parties on any given claim and you have to decide what the issues are with relation to which parties and who has to be brought in at the same time. Ms. Leeder said that was a tremendous level of complexity compared to what they used to have.

Commissioner Read asked about turnover and whether someone would use the LRA positions as a stepping stone to become attorneys.

Ms. Leeder stated turnover could be high if she hires someone taking the bar exam, so she tried to hire people who really don't want to do actual practice for one reason or another. It's very difficult to hire a person because they're not trying to get a body in there, but someone who can actually be of some assistance because of the damage that can be done.

Commissioner Sánchez asked for clarification that NAIW was concerned about the quality of individuals on hiring lists. Ms. Leeder confirmed she was. Commissioner Sánchez asked Director Greene how the lists are derived.

Director Greene replied there would be a recruitment announcement distributed and posted on DOP's web site, and possibly extensive outreach recruitment; applications are screened for the minimum qualifications, for a Legal Research Assistant I it's completion of a two year accredited paralegal program and two years of legal research experience; the individuals are scored and the list is provided to the agency and they're required to hire from the top five scores.

Commissioner Sánchez asked whether DOP administered any written tests to candidates, to which Director Greene stated it is an evaluation of their training and experience.

Sánchez confirmed that Ms. Leeder created their test and used the results to determine how much training an individual may need when making hiring decisions.

Commissioner Sánchez asked Director Greene if she was aware of NAIW's test. She replied no, but many agencies administer some type of performance test during the interview process.

Commissioner Sánchez asked Ms. Leeder if she believed this was a classification or workplace problem in terms of finding qualified individuals.

Ms. Leeder thought the two LRA levels didn't discriminate finely enough; pay their journey level people are at a more correct grade so there's less training or hire below the journey level.

Ms. Leeder explained they don't process debt collection documents in the fashion that Mr. Habtemicael assumed. They have to discern who has to get paid at what amount because the rates of workers' compensation are different than other rates and it's pretty complicated and overlaid with legal issues.

Commissioner Sánchez asked if Ms. Leeder they felt Mr. Habtemicael's methodology was flawed. Ms. Leeder stated the test for reclassification should be granted and didn't think that was Mr. Habtemicael's focus.

Chairman Enus thought this was something other than significant change. Even with the changes from SIIS to EICON, and the administration in the workers' compensation area, it appeared the basic work being performed by legal assistants or paralegals has remained pretty much the same. They've discussed issues that seemed to hone in on compensation and competency but not significant change in the nature of the work that is performed. She was having difficulty with all that was presented and that with all that Mr. Stoddard presented in trying to look at the series concept in terms of the duties and responsibilities of the position and equate those to some significant change in the work that is being performed by the individuals in those classifications. She asked them to clarify how they viewed that as significant change versus a competency and compensation issue.

Ms. Leeder sees significant change in how LRAs follow specific direction by attorneys. Now it is necessary for LRAs to analyze and follow issues in the course of their research without continually going back to attorneys for further direction because that's disruptive to attorney work.

Chairman Enus referred Ms. Leeder to the duties DOP had identified in their presentation saying there seemed to be a significant difference in what NAIW described as an individual who needs a significant amount of support in terms of providing the work versus what is shown as the duties and responsibilities for a journey level or competent LRA. What you want in a LRA is already provided for in terms of the minimum qualifications. If you get a competent individual that meets the requirements of the existing series, then you will have a person that will be able to perform what you need.

Ms. Leeder felt it was primarily an issue of complexity and responsibility.

Chairman Enus read from the class spec "...provide the most difficult paralegal support to counsel, present findings for counsel's review..." So rather than having counsel baby-sit the paralegal, there is a strength in these duties and responsibilities that suggest just the opposite, that the paralegal is supposed to be competent to the extent that he or she can provide the level of support that NAIW counsel needs in terms of performing their jobs.

Ms. Leeder stated that beginning paralegals can do many of the duties with review and oversight by attorneys, and she's trying to minimize the do-over by the attorney.

Enus thought they were discussing a competency issue, because if an individual performs the duties DOP listed at a competent level, then you will have what you need in terms of an individual incumbent supporting counsel.

Ms. Leeder added the complexity of medical research requires they find experts; formulate some questions and educate the attorney of research results. That's a substantial change, not just significant change, in the complexity of the work and was different from workload. Mr. Habtemicael equated one with the other. I'm not talking about workload, I'm talking about the complexity of the issues and the work that has to be done and that requires a different magnitude of these same types of skills.

There being no further questions or discussion, Commissioner Sánchez's motion to deny the classification appeal was seconded by Commissioner Read and unanimously carried.

With the decision rendered on Item V, Chairman Enus returned to Item IVA-2, Approval of Occupational Group Study Revised Class Specifications, in the Fiscal Management & Staff Services occupational group.

Commissioner Sanchez's motion to approve subgroup 2, Actuarial, Research & Grants Analysis, as presented in the agenda was seconded by Commissioner Read and unanimously carried.

VI. *Individual Classification Appeals

A. Russell Law, Manager I, Registered Professional Engineer (RPE)
Department of Transportation (NDOT)

Russell Law introduced himself, his supervisor, Assistant Director of Planning, Kent Cooper, and Mr. Cooper's supervisor, Deputy Director and Chief Engineer, Susan Martinovich. Mr. Law indicated his request was to be treated fairly and he felt engineers from the Department of Transportation should have served on the subject matter expert (SME) panel.

Mr. Law referred to Exhibits 13 and 14 which were the class specs for Manager I and Administrator I, RPE. He stated his position belonged in the Administrator I, RPE class because the Manager I requires an interpretation and application of policy or to negotiate solutions within policy guidelines. Whereas the Administrator I solves difficult problems and may impact the development of new policies, procedures and organizational areas of service. Mr. Law stated his position does exactly that, and his decisions do impact NDOT and other agencies.

Mr. Law addressed the Department of Personnel's finding of 'no significant change.' Mr. Law stated that everything had changed from the last review in 1991. Under \$300M dollar budget in 1991, now up to \$1 billion dollars. There are currently contracts being negotiated up to \$700M, and the work that

used to done by the Director and Deputy Director in 1991, are being done at increasingly lower levels.

Mr. Law referred to Exhibit 5, where he listed 8 program areas he has responsibility for. He is also now directly involved in hiring planning division heads. He stated he conducts work in the same way, but the consequences have changed. In 1991, financial planning was primarily handled by the Assistant Director and Deputy Director; today many of the duties are his. He spends 20% of the time analyzing agency bills; serves on committees which directly affect other agencies; oversees fuel tax collection; provides legislative analysis and testimony; he proposed three changes to the next federal highway bill; is heavily involved in the prioritization project process; within innovative planning & program development, his department is looking at changing the way they do business, not just engineering highways, but mines; strategic planning did not exist before he volunteered to head that work. They're looking to implement department goals of improving safety, communications, asset and risk management capabilities, and delivering projects worth \$10 billion over the next 10 years.

Federal Highway Administration statistical reports are more important than the Department of Personnel weighted. Mr. Law established policies and procedures for filing as these reports affect how much funding Nevada receives.

Intelligent Transportation Systems for commercial vehicle operations – working on computer and electronic solutions to traffic problems, and allows commercial vehicles to operate as automobiles do.

Mr. Law explained that the Department of Personnel's recommendation states that these programs come and go, but they do not. Mr. Law stated the Department of Personnel said his NPD-19 relates more to how well the work has been performed, rather than any change of the kind of work. Mr. Law disagreed stating the NPD-19 detailed how the duties were performed.

Mr. Law asked the Commission to find an Administrator I or II position more compelling than his, which have greater affect on policies, processes, programs and projects.

Commissioner Sanchez asked for clarification on Mr. Law's statement that the world has changed, but he does his work the same way only with different consequences.

Mr. Law replied that statement referred to the Value Engineering program.

Commissioner Sanchez directed Mr. Law to Exhibit 9, Page 2, Paragraph 3, which read..."new duties similar in nature or complexity to previous duties are

not a basis for reclassifying a position.” He asked Mr. Law to comment on that statement.

Mr. Law explained that a Manager I, RPE performs the highest complexity as far as technical work is concerned. The Administrator I writes policies and procedures and the effects of the work make a huge difference.

Commissioner Sanchez asked whether Mr. Law disagreed with the statement.

Mr. Law replied he would agree with it if the Department of Personnel had stated “technical” complexity. He disagrees with it as far as the effects in the world of policies, procedures, processes and the other things that discriminate between the Manager I and Administrator I classes.

Chairman Enus referred to Mr. Law’s earlier statement that the SME process was unfair. Exhibit 3 lists the SME panel and it seems to be a highly competent group based on the breadth of areas they represent as well as the significant positions held within the state. Why did Mr. Law believe this process was unfair solely on the basis that an engineer from his department was not included on the SME panel?

Mr. Law didn’t feel the Chief Right of Way Agent, who isn’t an engineer, should have represented NDOT on the panel.

Chairman Enus stated it appeared to her the SME panel represented a breadth of knowledge from the engineering point of view as well as from the managerial and administrative point of view to review the breadth of your duties and responsibilities.

Mr. Law stated a SME needs to have great knowledge of engineering in the agency being reviewed. He would not be a SME for a Water Resources position.

Frank Steinberg, Personnel Analyst, Department of Personnel, explained that Mr. Law is Chief of the Operations Analysis Division at the Department of Transportation. The NPD-19 study concluded that significant change had not occurred to the duties performed by Mr. Law. Mr. Steinberg stated there were five new duties taking up 50% of Mr. Law’s time, but the analysis indicated that all but one, Strategic Planning at 25%, were either continuations of or closely comparable to previous duties or the duties routinely performed by lower level positions. When Mr. Law appealed the decision to Director Greene, she asked that a SME panel be assembled to advise her on the merits of the appeal. The panel representing three agencies, including NDOT, was chosen on the basis of their experience in the administration of programs related to infrastructure, not the ability to solve transportation engineering problems.

Mr. Steinberg referred to the Manager I, RPE class specification which specifically mentions the Operations Analysis Division and that incumbents apply abstract concepts and advanced principles to difficult problems, and deal with internal and external management levels to solve problems involving conflict or controversy. This description coincides with the description provided by the appellant. Mr. Steinberg distributed an organization chart showing the functions of the Assistant Director of Planning, including Operations Analysis. Of the six chiefs reporting to the Assistant Director of Planning, only Mr. Law's position requires licensure as an engineer and is a grade 43. The other chiefs are Transportation Planner/Analyst IV's, grade 41. Mr. Law and two subordinate grade 40 positions comprise the Operations Analysis Division.

In response to Commissioner Sanchez's question, Mr. Steinberg stated he and his supervisor selected the SME panel.

Commissioner Sanchez asked Mr. Steinberg to comment on Exhibit 9, Page 2, Paragraph 3, which read..."new duties similar in nature or complexity to previous duties are not a basis for reclassifying a position."

Mr. Steinberg replied that several duties were identified as new, which were found to be a fairly accurate representation. However, the duties did not appear to be at a higher level.

Chairman Enus referred to Exhibit 9, Page 2, Paragraph 2, where the five areas are identified. Of those five duties those duties are currently identified in the series concept.

Mr. Steinberg stated the series concept is generic. Within NDOT, there are approximately 50 Manager I, RPE positions and the series and class concepts have to accommodate all of them. There are specific references to the Operations Analysis Division, i.e., value engineering and pavement management system. Not intended to reflect the totality of the program under that position, but are representative of the types of programs that are the responsibility of the Operations Analysis Division.

Commissioner Eastwick asked whether the Chief Engineer or Deputy State Engineer were also RPE's.

Mr. Law was unsure, but assumed they were as state law required someone using the title of engineer to be registered. The State's the only one who violates that law routinely.

Commissioner Eastwick asked Mr. Law whether he knew what their engineering qualifications were. Mr. Law replied he did not and he did not know anyone on the panel prior to appearing before them to hear his appeal.

Commissioner Eastwick asked Mr. Steinberg what the SME qualifications were. Mr. Steinberg replied that two are engineers, two are not. All of them are high graded administrative-type people who work in fields related to infrastructure, which was the basis for their selection.

Chairman Enus asked Mr. Law of the five areas that were outlined as new duties, which ones did he feel were outside the scope of the Manager I, RPE class.

Mr. Law replied that all of them were. The main difference between the two classes is, are you implementing and making policies, vs. negotiating solutions and working within some policy guidelines.

Having forgotten to mention the program earlier, Mr. Law added he also has responsibility for fuel audit training and fuel-tax collection negotiations with 27 tribal governments. Mr. Law stated this was not even close to Manager I level work; it was definitely administrative work. Mr. Law summarized his previous testimony on the other programs.

Commissioner Eastwick asked what percentage of time Mr. Law spends on fuel tax collection. Mr. Law stated he spends very little time on it because his 20-year assistant does the preponderance of that work which has been recognized with awards.

Commissioner Eastwick asked what percentage of time Mr. Law spends on administrative tasks. Mr. Law replied close to 80% and some days he doesn't do any analytical or technical work.

Chairman Enus asked Mr. Steinberg about the organizational structure of key positions in the Operations Analysis unit. With Mr. Law's position at grade 43, the other five chiefs at grade 41, she asked about the structure just above this level.

Mr. Steinberg replied the Assistant Director of Planning position is occupied by Mr. Law's supervisor, Kent Cooper. Mr. Cooper is one of four incumbents that report to the Deputy Director who in turn reports to the Director. Between Mr. Law and the Director of the Department of Transportation, there are two levels.

Chairman Enus asked about the Assistant Director of Planning's grade. Mr. Steinberg replied the position was a grade 46, but it had been approved to move into the unclassified service.

Director Greene briefed the Commission on a proposal before the 2005 Legislature to change the status of some classified positions to unclassified for consistency across all organizational lines. The Assistant Directors at NDOT were approved to be moved. In the bill, the legislators gave affected employees the option of remaining classified until they vacated their position. Director Greene stated that Mr. Cooper had not yet requested a status change and he remained a grade 46.

Chairman Enus invited Mr. Law to close. Mr. Law summarized that he would love to stay in state service and was asking for \$8,000 a year more to do what he does. He is confident that he's performing Administrator I work. The state has saved \$30 million a year in the world of payments and \$11 million a year in additional fuel taxes thanks to the efforts of his unit. Mr. Law read excerpts of Exhibit 7, stating his appeal was supported by the Deputy Director and Chief Engineer, Susan Martinovich.

Commissioner Sanchez's motion to deny Mr. Law's appeal was seconded by Commissioner Read. The motion carried with Commissioner Eastwick voting against.

B. Joyce Newton, Administrative Assistant III
Office of Human Research Protection, University of Nevada, Reno

Chairman Enus gave the appellant 15 minutes to present the appeal, and stated that Commissioner Sanchez needed to leave the meeting at noon and most likely wouldn't be present for the final decision.

Susan Publicover, Director, Office of Human Research Protection, and supervisor of Joyce Newton, explained the purpose of her office. University policy for the protection of human subjects complies with regulatory requirements of 17 other agencies, and local, federal and State law. In addition, they follow international guidance and ethical codes. Federal regulations are written broadly, so the government issued a guidebook to all Institutional Review Boards (IRBs). Ms. Publicover stated that 45 CFR 46 requires institutions to provide for "sufficient" staff, meaning sufficient in number, expertise, and authority. Ms. Publicover explained the impact of non-compliance. For accreditation, they need to add professional staff to support the IRBs. Ms. Publicover referred to a letter in support of reallocating Ms. Newton's position to an appropriate rank.

Ms. Publicover stated the position had been studied twice. They had requested reallocation to Program Officer II, grade 33, based on the level of authority that follows Ms. Newton's position. Ms. Publicover explained the composition of IRBs and stated Ms. Newton serves as an alternate member and non-scientist whose primary concern is ethics. Ms. Newton has full voting rights on the board and the ability to review documents granted and registered by the federal government.

Ms. Publicover stated that the second review of the position allocated it to a Program Officer I, grade 31. They appealed the decision based on the need for equity among other University departments and within the Office of Human Research Protection. Ms. Publicover addressed Ms. Newton's duties, which she performs with very limited direction.

Ms. Publicover stated that Ms. Newton's classification must allow her to have authority to do the job of the office. The Department of Personnel says Ms. Newton makes preliminary decisions, which is only a minor role. She grants final approval of protocols which Ms. Publicover then signs. Ms. Newton is not her assistant as has been intimated. This is a real risk to the University in not remaining compliant and impacts their ability to gain accreditation.

Robin Freestone, Personnel Officer, UNR Business Center North Personnel Services, explained they received an NPD-19 requesting reallocation from Administrative Assistant III, grade 27, to Program Officer II, grade 33. The initial study recommended reallocation to Administrative Assistant IV, grade 29. After receiving clarifying information from Ms. Publicover, a revised recommendation was made to reallocate Ms. Newton's position to Program Officer I, grade 31, representing a four-grade increase.

Ms. Freestone addressed the new duties that have changed the position about 50%. Ms. Freestone explained that the position coordinates the daily activities of two IRBs which include reviewing protocols, establishing and maintaining files and records of protocols, determining required level of review for each protocol, recording and transcribing board minutes, notifying researchers of committee findings and tracking project deadlines. Ms. Newton has been delegated authority to certify that research projects have been reviewed and approved by an IRB. Protocols that are exempt or expedited are clearly defined by federal mandate. The decision-making and interpretation required of Ms. Newton is limited by these clearly prescribed rules.

Ms. Freestone agreed that the Office of Human Research Protection is very specialized and unique; however, human research protection is common where government-funded research occurs, i.e., institutions of higher education. UNR's office has a parallel office at UNLV that has one classified position supporting their human protection program. This position shares some tasks

common to Ms. Newton's position. The UNLV position's primary assignment is to make initial determination as to which of the three levels of review is required; the position manages complex files and documents that must conform to guidelines; serves as the liaison between researchers and the IRB committees. The UNLV position is classified at Administrative Assistant II, grade 25. Ms. Newton has been delegated responsibilities that are not performed by the UNLV position; however, the comparison establishes that Ms. Newton performs a mix of higher and lower level assignments which do not match the complexity or broad scope of positions at Program Officer II.

Ms. Freestone explained that Ms. Newton reviews protocols before they are submitted to the IRB for their assessment. She verifies the document for completeness, format, and appropriate signatures. Ms. Newton reviews the documents for areas of questionable compliance. She contacts the researchers to verify information and follows up on clarification or revision. She may suggest ways to remedy the protocol format or requirements. Ms. Freestone explained that human subjects must formally agree by signing a consent form that's approved by the IRB. Ms. Newton guides researchers through the informed consent process explaining rules, regulations and requirements. This assignment is complex, but complex assignments are expected at the Program Officer I level. Ms. Newton has been delegated signature authority on protocols. The U.S. Department of Health & Human Services defines certification as, "the official notification by the institution that a project or activity involving human subjects has been reviewed and approved by the IRB." Ms. Newton's signature means that the IRB has reviewed and approved a protocol, it does not mean that Ms. Newton has reviewed and approved a protocol. The regulations are clear on who has the authority to approve a research protocol. There is a mandated system of multi-level review which impacts Ms. Newton's authority to act as well as the consequence of error. It is the IRB and the research administrator of the institution that are ultimately responsible for any consent form or protocol that should not have been approved. Ms. Freestone stated that during the desk audit, Ms. Newton was asked to give an example of a situation she would refer to her supervisor. Ms. Newton stated that all subject complaints are referred to her supervisor. She does not conduct research into complaints or resolve them, which would be expected at the Program Officer II level.

Ms. Freestone addressed the issue of equity and Ms. Publicover's comparison of Ms. Newton's duties to an administrative faculty position in her office. Administrative faculty at UNR are comparable to unclassified staff in other State agencies. This administrative faculty position performs duties very similar to Ms. Newton, but for the biomedical research proposals. State of Nevada classified and UNR administrative faculty are two separate and dissimilar categories of employment. They are built on different philosophies, compensation methodology, comparison models and criteria for eligibility. To

attempt reconciliation of these positions would not be correct or accurate. Ms. Freestone explained that at UNR there's a cross section of upper levels of the classified employment and the lower levels of administrative faculty. They're considered comparable in the area of levels of authority, there is nothing within the administrative faculty model that provides an incumbent with more authority than a classified employee.

Ms. Freestone mentioned the Grants & Project Analyst and Program Officer II positions Ms. Publicover used for comparison. The three positions almost perform identical work, but at a commensurate responsibility level. All the positions, including Ms. Newton's, provide interpretation of a granting agency's rules and regulations in order to ensure compliance, but there are extensive differences. By the time a proposal reaches the human subjects office, the grant has already been awarded, the scientific proposal has already been acknowledged as being legitimate, and it has been approved by the granting agency. The Office of Human Research Protection has a much narrower objective to ensure that humans within the project are treated ethically and in accordance with federal guidelines. Ms. Freestone stated that these comparisons to Ms. Newton's position are not appropriate.

Ms. Freestone summarized that Ms. Newton's higher level of responsibility has been acknowledged with a four-grade level increase and allocation to a professional level series. This position does not possess the depth, the scope, or the consequence of error that would warrant reclassification to Program Officer II.

Ms. Publicover responded that she was a Grants & Projects Analyst for three years and wasn't involved in the science of the work. She didn't assist researchers with writing grant proposals. It requires scientists to write them. A grant proposal is done by the funding agency through a peer review process. Ms. Newton determines that it is approvable and they sign off on it. Ms. Newton helps researchers to write protocols, Grants & Projects Analyst do not. The consequences are very severe.

Ms. Freestone disagreed with Ms. Publicover's mention of continuing misconception experienced by the Department of Personnel as to what a Grants & Projects Analyst does. Ms. Freestone had assembled about 12 subject matter experts including Ms. Publicover's supervisor Marcia Reed, Vice President for Research at UNR. Ms. Reed's example of several proposals evaluated by a particular Grants & Projects Analyst in UNR's Sponsored Projects Office showed that the analyst determined that none of the submissions met the scientific intent or criteria established in the request for proposal and had the authority to deny submission. Ms. Freestone addressed Ms. Publicover's statement that Ms. Newton approves what the IRB does. She gets packets and

documentation together and ensures the IRB has properly reviewed the proposal. That's what certification by Ms. Newton means.

Ms. Publicover stated she spoke with Cindy Kiel from the Office of Sponsored Projects who said there is no way that one of her staff would determine scientific intent. Referring to the example Marcia Reed had given Ms. Freestone, she explained that the particular Grants & Projects Analyst conferred with another analyst in the office, then consulted with the researcher who told them what the situation was. To say that Ms. Newton simply shuffles packets is untrue. The Board does not look at revisions made to protocol, they depend on Ms. Publicover's staff to make sure the protocols are correct and complete.

Chairman Enus stated that the Department of Personnel had acknowledged the higher level duties, though not at the level Ms. Publicover desired it to be.

Ms. Publicover stated it was not a salary issue, but one of granting appropriate authority to enforce the regulations and felt the Department of Personnel trivialized the duties of Ms. Newton.

There being no further questions or discussion, Commissioner Read's motion to deny the appeal was seconded by Commissioner Eastwick and unanimously carried with Commissioner Sanchez absent.

C. Jeanne Ohlson, Administrative Assistant III
University Police Services, University of Nevada, Reno

Joseph Vanacore, Employee Representative, State of Nevada Employees' Association (SNEA) explained that both he and Ms. Ohlson's supervisor, University Police Services Detective Sgt. Kevin Youngflesh (also present), supported Ms. Ohlson's appeal.

Jeanne Ohlson explained that significant changes to her duties resulted from 9-11:

- 1) How criminal justice agencies receive, transmit and store criminal histories;
- 2) University Police Services became an entering agency in 2003; they now have total responsibility for all activity in their department as a full criminal justice agency with all the responsibilities inclusive:

Security of electronic records; higher standards of securing CJIS terminals (Ms. Ohlson stated she is the security point of contact, the terminal agency coordinator, and in California she is the ATAC-equivalent to the TAC for the State of Nevada; all systems and users must be under the management

control of a criminal justice agency TAC and POC. Ms. Ohlson stated she is the TAC and POC.)

- 3) Participates in hiring and disciplinary processes;
- 4) Creates policy governing the operation of computer circuits and telecommunications; stores criminal history, supervises equipment system design programming and operating procedures necessary for the development and implementation of the computerized criminal history program;
- 5) Revised/created department policy and procedures to comply with Homeland Security requirements.

Ms. Ohlson referred to another agency's Dispatcher I, grade 31, position that also supervises lower level positions. For that level of responsibility in that agency it has to be a grade 31. The other comparison made by DOP states that a Program Officer I, grade 31, (serving as records supervisor) at UNLV classifies and develops recommendations for the director.

Ms. Ohlson stated she was above that as a custodian of criminal history records, which has more responsibility for her department as a whole; she is the statistical analyst for grants for her department; she has developed a 2004 statistical book representing the department which is going to be published; she makes recommendations to the director and created/wrote policies for their department with the director's approval; she classifies crimes monthly by participating in uniformed crime reporting for the FBI, which is also published; general directives are sent to each TAC that need to be added to policy manuals and explained in further detail--the public safety and identification department will explain the goal of the directives; however, it's left up to the TAC of each agency to set their own objectives to meet the needs of their agency; as campus security administrator she plans, directs, and coordinates the campus security program with all communication going through her, she compiles data and explains the program, determines eligibility; the work requires analytical skills; she serves as liaison to the District Attorney's office for prosecution packages, courts, parole & probation for sentencing and disposition requirements, homeland security policy, procedures and laws, the Attorney General's office for employee activity, FBI statistics on sensitive cases, public safety, military reference checks, other criminal justice agencies, human resource activity, prison wardens regarding releases and recommendations, other universities and departments and intelligent government agencies.

Ms. Ohlson stated she has created and signed contracts, user agreements between other criminal justice agencies; serves as administrator for registering sex offenders which she confers with the AG's office for all the universities in the BCN system to participate in registering offenders at their universities. She has made presentations to BCN locations and served as consultant on processes and procedures; she belongs to the parole and probation team monitoring sex

offenders and serves as the liaison between her agency and sex registry in Nevada.

Ms. Ohlson thanked the Commission for their consideration.

Mr. Vanacore stated there were inconsistencies in the human resources review team and that they would like a reasonable explanation. He asked Ms. Ohlson's supervisor to address them.

Detective Sgt. Kevin Youngflesh explained that Ms. Ohlson submitted her NPD-19 in September 2004, and he reviewed the class concepts of an Administrative Assistant III and IV, and the Program Officer I. He stated that 80-90% of Ms. Ohlson's duties fit either the Administrative Assistant IV to the Program Officer I class. He supported an upgrade to at least the Administrative Assistant IV and felt the human resource team missed the level of responsibility and the consequences for error in Ms. Ohlson's duties (i.e. false arrest may occur if database isn't kept up-to-date). Another misrepresentation was that he has given Ms. Ohlson total direction from NCIC as a TAC, as a custodian of records, she's given a complex set of rules and regulations, broad directives to change the system, and she's the one who figures out how those directives fit into their department and how to implement them. Ms. Ohlson is not given any very specific detailed instructions to carry out her assignments as represented by Human Resources.

Mr. Vanacore added that in the Administrative Assistant III concepts, there's a lot of areas where it states, "...positions at this level provide secretarial support to the manager or complex work group consisting of professional staff, or they perform program administrative support duties..." Mr. Vanacore stated Ms. Ohlson is not support staff, but has the authority to perform the above mentioned duties. Mr. Vanacore disagreed with BCN and the DOP that Ms. Ohlson has minimal latitude in decision-making. Ms. Ohlson writes and enforces the policy; she reports to and has the authority under the following individuals to approve and make certain decisions:

1. UNR President, John Lilley
2. UNR Police Chief, Adam Garcia
3. Custodian of records and sex offender program, Det. Sgt. Kevin Youngflesh
4. ATAC for the states of California and Nevada

Mr. Vanacore stated this was more than support staff were assigned within the agency. Mr. Vanacore stated that BCN didn't look at the Program Officer series or other classes outside the clerical occupational group. This is why they thought the study findings were distorted and misleading. Ms. Ohlson does perform the duties described in the Program Officer series. She has signature

authority; and the way that she reports affects the funding from state and federal agencies as well. Mr. Vanacore didn't know what the Commission's decision would be, but asked for any guidance on how the upgrade/reclass could be obtained as he felt there was still a problem with either the employee or position.

Robin Freestone, Personnel Officer, Business Center North Personnel Services, University of Nevada, Reno introduced Todd Renwick, Associate Director of Operations, University Police Services, UNR. Ms. Freestone explained the initial determination found that significant change had not occurred. The basis of Ms. Ohlson's appeal concerns her assignment as the designated TAC (terminal agency coordinator) for University Police Services. Ms. Freestone reviewed the duties from 1997 to present. In 2000, the position was designated as the TAC for the NCJIS (mainframe database of criminal histories). The NHP requires that every agency using the NCJIS designate one individual as their agency's administrator. The agency administrator has ultimate responsibility for compliance with their regulations. At University Police, the designated agency administrator is the director, Adam Garcia, who then may designate the daily coordinator activities to a subordinate. In 2000, Ms. Ohlson was designated as the TAC for University Police.

Ms. Freestone discussed Exhibit 5 of Ms. Ohlson's appeal packet which listed the primary duties of a TAC. From 2000 to 2004, the NHP entered information into the NCJIS system. Ms. Ohlson's role at the time was to collect information and submit to NHP for data entry. In 2004, the NHP delegated responsibility for data entry into their system to University Police Services. As TAC, Ms. Ohlson was assigned this task which explains why in 2000 it was 5% of her duties, and in 2004 it grew to 50%. Data entry is a task consistent with work performed by Administrative Assistant III's. No change was recommended in classification.

Ms. Freestone continued that Ms. Ohlson stated she plans, directs and coordinates a comprehensive program as the TAC; BCN found that she actually coordinates communication between the NCJIS administrators and University Police Services. Ms. Freestone added that the new duties listed by Ms. Ohlson were consistent with previous the duties, i.e., in 2004, custodian of records. This is the same work described in 2000 as record maintenance. The 2004 NPD-19 shows 10% of time spent as administrator of an obsolete database that was replaced and is administered by another Administrative Assistant III position in University Police Services. Ms. Ohlson serves as a backup to this position. Clerical/reception work is not shown on the 2004 NPD-19, but Ms. Ohlson does still function as the receptionist (answers phone/greets visitors) and Sgt. Youngflesh indicates this duty is performed 25% of the overall job. Ms. Freestone made further comparisons of the two University Police Services Administrative Assistant III positions and found them similar to other positions

in the BCN system. Ms. Freestone stated the other position would also be impacted if Ms. Ohlson's position were upgraded.

Ms. Freestone further reviewed a comparison made to an Administrative Assistant III, also a TAC, at the Division of Parole & Probation. Serves as the liaison between NCJIS and agency management, conducts training for staff and is the agency's technical support for the NCJIS system. Another Administrative Assistant III at the Division of Parole & Probation serves as the division's custodian of records; oversees and supervises all clerical functions of the agency's central records unit; seals offender records; oversees inspection of sealed records; ensures proper records retention; and supervises two Administrative Assistant II's.

Ms. Freestone stated that Ms. Ohlson compared her position to two at University Police Services at UNLV. One was the Public Safety Dispatcher IV, grade 31, who supervises their dispatch center is responsible to train, schedule, and supervise a staff of six dispatchers; manages the maintenance, programming and operation of the UNLV police radio system; and is designated as the respondent for campus crime and security survey. At UNR, Ms. Ohlson responds to the same survey. This is a very important assignment, but involves minimal time and does not influence the classification of either job. The Public Safety Dispatcher IV at UNLV was classified based on management of their dispatcher unit, not on responsibility for the survey respondent. Ms. Ohlson had also referred to the Program Officer I in UNLV's police department which serves as their records supervisor. Ms. Freestone stated that one of the NPD-19's revealed the position was not a records supervisor, but actually served as the agency's evidence technician which is a significantly different focus than the advanced clerical characteristics of Ms. Ohlson's job.

Ms. Freestone explained that change was recognized in the increased amount of data entry required; however, this type of activity is consistent with other Administrative Assistant III's. Significant change warranting reclassification has not occurred.

Ms. Freestone clarified an erroneous statement made by Ms. Ohlson. Ms. Ohlson does not have the authority to sign contractual agreements on behalf of the University; and it's the FBI that classifies crimes from the University.

In addressing a statement made by Mr. Vanacore saying the documentation proves that there are additional duties which are outside the class concept Ms. Freestone indicated review of the position showed that the additional work is data entry in nature and common to positions at the Administrative Assistant II & III levels. Ms. Freestone also addressed Mr. Vanacore's statement that Ms. Ohlson writes and enforces policy; the study found that she may establish procedural issues, but does not have the authority to write or enforce policy.

Ms. Ohlson stated that as TAC she does more than data entry. She must know policies and procedures, she has written policies with the administrator's approval, not just procedures; she has signature authority and acts on behalf of the individuals she reports to. Chief Garcia and Detective Youngflesh now know more about what she does and it's not a clerical position. She constantly makes decisions on behalf of the agency with the Chief's approval. NHP does not set strict deadlines, they issue general directives and she writes policy to make the directive fit their agency. Addressing significant change, Ms. Ohlson stated that the biggest change was becoming an entering agency. They are responsible 24-7, where before everything was done by NHP. They now do their own validations and they have to operate as a criminal justice agency with all the responsibilities and if they mess up, it falls onto Chief Garcia and herself. If they have three sanctions against them, NHP could close their doors and remove their terminals.

Chairman Enus asked Associate Director Todd Renwick about Ms. Ohlson representing the Chief when writing policy and procedure and having signature authority to implement them. Did Ms. Ohlson draft policy and procedure to be reviewed at the Associate Director and Director level vs. having the authority to write and sign-off on those documents independently.

Associate Director Todd Renwick explained that only one person was authorized to sign policy, their Director of Police Services; subordinate staff may recommend or draft policy to ensure it works, but the Director is actually the one to sign-off on them.

Chairman Enus asked Ms. Ohlson about her TAC duties being more involved than data entry. Ms. Ohlson gave an example of an individual arrested at Metro Police. Metro Police called and asked for confirmation that it was an active warrant. A misunderstanding had occurred and Metro Police might be guilty of false arrest. Ms. Ohlson, as TAC and custodian of records, had to correct the information and paperwork; she acquired a fugitive plane to return the individual to Las Vegas so University Police Services wouldn't be sued. As TAC, for extradition purposes, Ms. Ohlson is responsible for writing TAC policies and the Administrator signs-off. She does have final say on anything that may go wrong, and consequence of error belonged to the Director, but she was ultimately responsible. She also is responsible for enforcing the participation in the program, and the Director gives her full liberties to do what she feels is right within the guidelines of the law; they've never had any sanctions filed against them. Ms. Ohlson said she is not provided any strict direction because she's been trained and certified. They are in full compliance because she's in charge of the program.

Chairman Enus asked Ms. Ohlson about the incident she described above; did she act totally independently, making arrangements with Metro, making decisions about a plane, would she not discuss the situation with her superiors in terms of planning a course of corrective action?

Ms. Ohlson replied she doesn't coordinate with anyone and she informs her superiors after it's been handled. She doesn't ask permission before acting, she does it totally on her own with regard to TAC and custodian of records.

Associate Director Renwick wasn't aware of the incident Ms. Ohlson gave as an example; but assured Chairman Enus that he and the Director would want to know about this type of situation prior to anyone taking corrective action.

Detective Youngflesh explained that as TAC and custodian of records, there are areas where Ms. Ohlson has total authority to act alone and others where she needs to come to him or his superiors for approval. He stated he also was not aware of the incident Ms. Ohlson described, but his only directive for her to come through him for approval is any item that represents the department.

Chairman Enus thought the incident was significant in terms of talking about false arrest, extradition arrangements, and the characterization that Ms. Ohlson would have absolute authority to act on behalf of the agency in that instance does seem that it's out of the realm of a strictly clerical-type position. There appears to be a misconnect regarding this issue and she was unsure how much it influenced the study of the position.

Commissioner Eastwick asked Ms. Ohlson about her signature authority. She replied that she has authority to sign monthly warrant validations, and procedures involving TAC or the POC if the Director is not available.

Associate Director Renwick stated the Director is the ultimate person responsible for the TAC program and Ms. Ohlson is the designated TAC, so she would sign off on validations that the proper procedures and processes have been followed. Associate Director Renwick explained the chain of command started with the Director, Associate Director, two Lieutenants – one over administration, the other over patrol, and then Sergeants and Officers. For example, as Associate Director, he is responsible for TAC in the absence of the Director, but it doesn't mean he is authorized to sign a warrant validation.

Commissioner Eastwick asked if Associate Director Renwick reviews warrant validations before they're finished. He confirmed that any item representing the agency would be reviewed at several levels before leaving the agency.

Ms. Ohlson replied to Commissioner Eastwick's question that she signs validations 99% of the time with his full authority.

Because validation of the work example Ms. Ohlson gave cannot be obtained, she suggested looking at the NPD-19 to see how it indicates the level of responsibility. The Director did validate the statements made by Ms. Ohlson on her NPD-19.

Ms. Ohlson explained that she did advise Lieutenant Paul George of the incident and the action she took. She recalled that he said, "as long as it was taken care of he was happy."

Chairman Enus suggested the department get together with Chief Garcia to review the responsibility level of the position.

Chief Deputy Attorney General Jim Spencer explained the item could be tabled for additional information.

Commissioner Eastwick's motion to table the appeal to a future meeting was seconded by Commissioner Read and unanimously carried, 3-0.

Commissioner Read added that if he had to make a decision right now, he was leaning toward reallocation to at least Administrative Assistant IV.

VII. Uncontested Classification Actions

Chairman Enus read the classification changes into the record as indicated in the meeting agenda. No action was required.

VIII. Special Reports

Director Jeanne Greene reported on the activity of the 2005 Legislature. A cost-of-living increase was approved, an additional step to classified compensation schedules was also approved, as well a two-grade increase to certain classes. There is ongoing controversy from some excluded public safety positions pending. 310 positions were proposed to be moved to the unclassified service of which 190 were approved and placed in salary tiers.

Administrative Services Division Chief Kim Foster reported on funding approval for the CPM program. The Department of Personnel also received funding approval for technology improvements and will be rolling out to more Advantage HR users and adding new modules; TRAC, an applicant tracking system of the 1980's will be replaced in FY06 in three phases; a new help desk position was added; and central records is moving from microfilm to compact disc recording. Ms. Foster replied to

Chairman Enus' question that the same contractor who created the HR Data Warehouse and NEATS will develop the new modules.

IX. Comments by the General Public

There were none.

X. Select Date for Next Meeting

Two meetings were scheduled as Director Greene invited the Commission to attend the first graduation ceremony of the Certified Public Manager program on November 8, 2005.

The dates of the next two meetings were scheduled for September 23, 2005, and November 8, 2005, both in Carson City.

XI. Adjournment

Commissioner Reads's motion to adjourn the meeting was seconded by Commissioner Eastwick and unanimously carried at 1:35 p.m.